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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 KEVIN D. SUTTON,

10 Petitioner,

11 vs.

12 WARDEN LEGRAND, et al.,

13 Respondents.
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Case No. 3:13-cv-00232-RCJ-VPC

ORDER

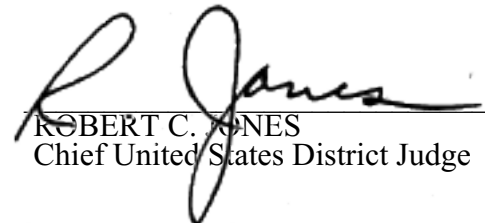
15 The court ordered (#5) petitioner to show cause and file proof that he had obtained
16 permission of the court of appeals to pursue a second or successive petition, pursuant to 28 U.S.C.
17 § 2244(b)(3). Petitioner has not complied with the court's order within the allotted time.

18 Reasonable jurists would not find this conclusion to be debatable or wrong, and the court
19 will not issue a certificate of appealability.

20 IT IS THEREFORE ORDERED that this action is **DISMISSED** as a second or successive
21 petition. The clerk of the court shall enter judgment accordingly.

22 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

23 Dated: This 6th day of November, 2013.
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25 
26 ROBERT C. JONES
27 Chief United States District Judge
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